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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : BAYCHAR

Confirmation No. NA

Applicant : 10/786,416

Filed : February 26, 2004

Title : RUNNING SHOES, HIKING SHOES AND BOOTS, SNOWBOARD
BOOTS, ALPINE BOOTS, HIKING BOOTS AND THE LIKE,
HAVING WATERPROOF/BREATHABLE MOISTURE TRANSFER
CHARACTERISTICS

TC/A.U. : TBD

Examiner : TBD

Docket No.: BAY-510

Customer No.: 249565

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

SECOND REQUEST TO CORRECT OFFICIAL FILING RECEIPT

Sir:

In response to Applicant's Request to Correct Official Filing Receipt filed on October 5, 2004, a Response was mailed by the PTO on October 12, 2004. However, none of the boxes on the Response form were checked.

As verbally requested by the PTO Examination Division on October 26, 2004, Applicants hereby refile the Request to

Appl. No. 10/786,416
October 29, 2004

BAY-510

Correct Official Filing Receipt. A copy of the Response and
the original Request are enclosed.

Respectfully submitted,

MATTINGLY, STANGER & MALUR

By



Shrinath Malur

Reg. No. 34,663

Tel.: 703-684-1120

October 29, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST-NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/786,416	02/26/2004	Baychar	BAY-510

MATTINGLY, STANGER & MALUR, P.C.
 SUITE 370
 1800 DIAGONAL ROAD
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 2813



OC000000014061815

OCT 13 2004

Date Mailed: 10/12/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

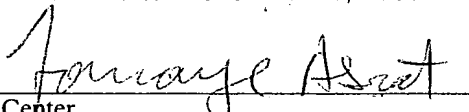
Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this

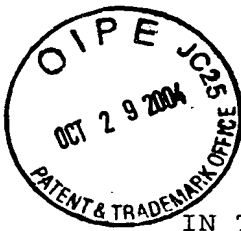
application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



BAY-510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAYCHAR

Serial No. 10/786,416

Filed: February 26, 2004

For: RUNNING SHOES, HIKING SHOES AND BOOTS, SNOWBOARD BOOTS,
ALPINE BOOTS, HIKING BOOTS, AND THE LIKE, HAVING
WATERPROOF/BREATHABLE MOISTURE TRANSFER CHARACTERISTICS

REQUEST TO CORRECT OFFICIAL FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

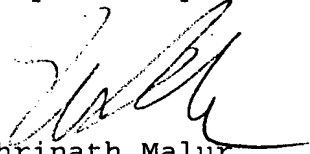
Applicant hereby request correction of the Official
Filing receipt.

At the time of the initial filing, Applicant claimed
priority to two previously filed nonprovisional applications.
The filing date of these applications, February 26, 2003, was
correct, but the application numbers were incorrect.
Applicants request that the correct nonprovisional application
numbers be included in the Official Filing Receipt. The
Domestic Priority paragraph should read:

This application is a CIP of 09/500,535 02/09/2000
which is a CON of 08/910,116 08/13/1997 PAT 6,048,810
which is a CIP of 08/832,800 04/04/1997 ABN
which is a CIP of 08/747,340 11/12/1996 PAT 5,738,937.
This application 10/786,416
claims benefit of 60/449,580 02/26/03 and
60/449,584 02/26/03.

The undersigned request that a correct Official Filing
Receipt be issued.

Respectfully submitted,



Shrinath Malur
Registration No. 34,663
Attorney for Applicant(s)

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Date: October 5, 2004